Simon Gladwin
Executive Director (Operations)
Development Management

Town Hall
Ripley
Derbyshire DE5 3BT
Tel: 01773 570222
Fax: 01773 841523
Email: enquiry@ambervalley.gov.uk
Web: www.ambervalley.gov.uk

Mr Leo Hill
Arthurs
1C Campbell Street
Belper
Derby
Derbyshire
DE56 1AP
England

Mr Marshall
MK 1 Architecture
1 Moorside Lane, Holbrook
Belper
Derbyshire
Derby
DE560TW
United Kingdom

TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Amber Valley Borough Council under the above Act and Orders and taking into account Government guidance and policy and the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2022/1131**) which was valid on the 16 January 2023 for permission for **Proposed change of use from existing 'Pub' (sui generis) to proposed Restaurant (Use class E(b)) with ancillary takeaway use at Pump It Up 39 Bridge Street Belper**

In the manner described in the application and shown on the accompanying plan(s) and drawing(s) **NOTICE IS HEREBY GIVEN** that permission for the proposed development is **GRANTED subject to the following conditions:**

Conditions/Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Date : 11 July 2023

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2. The development shall be carried out in accordance with the details contained in the submitted plans listed below and with the conditions attached to this permission:

   Drawing MK 22 12 A1000 Revision P2 - Existing and proposed floor plans, and site plan , location plan (received 14/06/2023)

   Zanolli EP70/2 Electric Pizza Oven specification (received 14/06/2023)

   L3 - Lincat Electric built-in Fume Filtration Unit W924mm 3.35kW specification (received 14/06/2023)

   Reason: In order to define the permission.

3. Notwithstanding the provisions contained within the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order) this permission shall relate to the use of the premises only for the purposes defined in Class E(b), with ancillary takeaway use, and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

   Reason: To protect the amenity of the residents of adjacent properties in accordance with saved policies EN16 and TC8 of the Adopted Amber Valley Borough Local Plan 2006.

4. No customer shall be permitted on the premises other than between 17:00 and 22:00 hours on Mondays to Fridays; between 12:00 (noon) and 22:00 hours on Saturdays; and between 12:00 (noon) and 20:00 hours on Sundays and bank holidays. No takeaway use shall operate other than between these hours.

   Reason: To protect the amenity of the residents of adjacent properties in accordance with saved policies EN16 and TC8 of the Adopted Amber Valley Borough Local Plan 2006.

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5. The electric pizza oven and associated odour control equipment shall be installed in accordance with the specification details listed in condition 2. The equipment shall be operated and maintained at all times in accordance with the manufacturer's instructions. Records documenting the level of maintenance and servicing shall be kept, and available for inspection, for at least the preceding 2 years.

   Reason: To protect the amenity of the residents of adjacent properties in accordance with saved policies EN16 and TC8 of the Adopted Amber Valley Borough Local Plan 2006.

   Advisory Note:
   The equipment should be operated and maintained at all times to achieve a 'Low Impact Risk' when odour and noise nuisance is assessed in accordance with EMAQ's best practice document: 'Control of odour and noise from commercial kitchen exhaust systems' (06.05.2022).
   If the nature of the cooking changes over time or if regular maintenance is not undertaken, the risk of nuisance odour/noise could also increase, rendering the system inadequate and resulting in enforcement action under environmental health legislation.

6. a) Notwithstanding the hereby approved development, before any building services plant, including air conditioning units, condensers, chillers or similar, capable of generating noise outside the building, is installed on the premises, detailed information regarding its acoustic performance shall be submitted to, and approved in writing by, the Local Planning Authority;
   b) If required by the Local Planning Authority following installation, an assessment of noise emissions in-situ shall be submitted to, and approved in writing by, the Local Planning Authority to confirm that the emissions agreed prior to installation have been achieved; and
   c) If required by the Local Planning Authority, such plant shall be enclosed with sound-insulating material and/or mounted in a way which will minimise the emission or transmission of sound in accordance with a scheme to be approved in writing by the Local Planning Authority.

   The works shall be carried out in accordance with the approved details.

   Reason: To protect the amenity of the residents of adjacent properties in accordance with saved policies EN16 and TC8 of the Adopted Amber Valley Borough Local Plan 2006.

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Advisory Note: Sound insulation in party walls/structures
Where a commercial building is sub-divided and is attached to noise-sensitive premises, it is important to ensure that shared dividing structures provide reasonable resistance to the transmission of airborne sound via walls, floors and stairs, and to impact sound via floors and stairs, to minimise the impact of noise on any adjoining properties where this could result in future enforcement action in response to complaint and the substantial cost of remedying inadequate sound insulation.
Noisy kitchen equipment/activities, such as cooking extraction systems and refrigeration/chiller units, should not be located on or near to party walls/structures to minimise the transmission of noise.
It is important to note that Building Regulations may not apply and that compliance with the Regulations may not be sufficient to prevent noise complaints, so specialist acoustic advice may also be needed.

Notes

Attention is drawn to the attached notes:

1 Advisory note from the Fire Officer

Good fire safety management should be maintained to ensure all escape routes can be used safely when needed. It is understood that the first floor above the premises is unoccupied, however, the separation between the commercial business and the accommodation above would need to be maintained to 60-minute fire rating if occupied. Any breeches in compartmentation between the 2 storeys would need to be reinstated.

2 Development Low Risk Area - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

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Reasons for Granting Permission

In granting permission for this development the Borough Council has taken into account all material planning considerations arising from the views of statutory and other consultees and public representations about the application, Government guidance as detailed in the National Planning Policy Framework and the saved policies of the Adopted Amber Valley Borough Local Plan 2006:

LS1 - Sustainability criteria
LS3 - Design
TC1 - Development in Town Centres
TC8 - Food and Drink
TP1 - Impact on the Transport Network
TP6 - Parking
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
EN24 - Listed Buildings
EN27 - Conservation Areas
EN29 - Derwent Valley Mills World Heritage Site

In detail:

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 38 of the NPPF the local planning authority has approached the decision making process in a positive way to foster the delivery of sustainable development and has worked proactively with the applicant/agent to secure a development to improve the economic, social and environmental conditions of the area.

The development complies with the provisions of the development plan for the locality and raises no unresolved issues in relation to the location of the site, privacy, amenity, character and design, landscape or heritage features and highway safety.

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NOTES

1. **If the applicant is aggrieved by the decision of the Local Planning Authority to refuse planning permission or approval for the proposed development or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78/79 of the Town and Country Planning Act 1990, within six months of the date of this notice. The Secretary of State has power to allow a longer period for the giving of a notice but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise that subject to the conditions imposed on them, having regard to the statutory requirements, to the provision of the development order, and to any directions given under the order.**
2. **Cadent Gas own and operate the gas infrastructure within the area of your development. Contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email plantprotection@cadentgas.com. Alternatively you can register on www.beforeyoudig.nationalgrid.com**
3. **If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County/District in which the land is situated, a purchase notice requiring that council to purchase his interests in the land in accordance with the provisions of Section 180 of the Town and Country Planning Act 1990.**
4. **In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Sections 137 and 138 of the Town and Country Planning Act 1990.**
5. **This permission relates to planning controls only. Any other statutory consent necessary including submission under the building regulations must be obtained from the appropriate Authority.**
6. **If it is intended to give notice of appeal in accordance with Paragraph 1 above, this should be done on the appropriate form obtainable from:-**

   The Planning Inspectorate
   3/23 Hawk Wing, Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN
   (Tel. No. 0117 372 8000) www.planning-inspectorate.gov.uk

7. **If the condition of consent or reasons for refusal, make reference to a Division of the Department, the appellant may, if he so wishes, require the attendance of a representative from the Department by notification to the Local Planning Authority. Such a representative would not be liable to cross-examination on questions of departmental policy, but only on matters of fact and expert opinion in relation to the appeal site.**
8. **Where a vehicle is habitually drive across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may after being given due notice by the appropriate authority, be required to pay the cost of construction of a carriage crossing or the strengthening of a footway, as the authority considers it necessary, or may be required to comply with conditions imposed by the authority.**
9. **In the case of building or premises to which the public are to be admitted whether on payment or otherwise, attention is drawn to Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and the associated Code of Practice (BS5810:1979). In the case of premises to which the Offices, Shops and Railway Premises Act 1963 or the Factories Act 1962 applies, attention is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act and to the same code of practice. In the case of Educational Buildings, attention is drawn to Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1978 and to the Design Note 18 "Access for the Physically Disabled Educational Buildings".**
10. **If the development site is crossed by an electric line or is within 15 metres (50ft) of the nearest part of a line (measure horizontally along the ground) or if there is reason to believe that it may be crossed by an underground electric cable, the applicant should contact the Electricity Board to ascertain if and what special safety precautions are necessary.**
11. **The grant of planning permission does not entitle developers to obstruct a public right of way. Development on so far as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 and 257 of the Town and Country Planning Act 1990 for the diversion of extinguishment of the right of way has been made and confirmed.**